

REMARKS

In the office action of December 28, 2005, the examiner rejected the claims over Nyack, Young, Cox, and Van Eps. Applicant has cited in an information disclosure statement filed herewith Law (U.S. 3,780,202) which is referenced extensively in the Young reference but not cited by the Examiner. The Law reference discusses pick-up systems specific to banjos.

It should be appreciated that banjos are structurally different than guitars and as such require different solutions in mounting a pickup. A banjo head is a thin membrane which requires care to prevent damage to the membrane. A guitar, by contrast, has a durable wooden head, or a solid structure.

Law teaches mounting a pick-up in a banjo by maintaining the pick-up below the banjo head and close to the head. No teaching is made to make holes in the head to receive the pickup.

Young teaches making a single hole to receive the entire pickup in an acoustic guitar.

Nyack teaches placement of a pickup in an electric guitar having a solid body. The pickup is mounted to the body and is mechanically integrated into the body and head of the guitar. A pick guard is placed over the top of the pickup and the pick-up heads extend through the plate. Here, however, the pickup is effectively integrated into the guitar. As such, Nyack teaches away from applicant's invention which requires that the pick-up be isolated from the head of the banjo. Nyack is non-analogous art as it does not deal with the mounting of a pick-up so as not to contact the head of the instrument, or alternatively teaches away from applicant's invention as it teaches mounting the pick-up to the head of the instrument.

Applicant has refined the claims of the application so as to be patentable over the prior art. Claim 1 requires that the pick-up has a plurality of heads which extend through a plurality of holes in the banjo head, and requires that the pick-up is mounted so as to not touch the banjo

head. Nyack teaches a pickup which is securely mounted to the guitar head. Young teaches a guitar head with a single large hole formed therein for receiving an entire pick-up through the head. This is contrary to applicant's invention, as it is desirable that only the pick-up heads extend through the banjo head for structural and acoustic reasons. Law, addressing specifically placing a pick-up in a banjo, teaches a different pick-up design to avoid forming holes in the banjo head. No reference shows a plurality of holes in the banjo head and a pick-up mounted so that only the pick-up heads extend through the banjo head with the pick-up not touching the banjo head. The art thus does not disclose the claim elements, and teaches away from Applicant's claimed invention.

Claim 2 is independently patentable as it requires a button on top of each pick-up head with a diameter larger than the holes in the banjo head to cover the holes in the banjo head. This is not taught in the art anywhere.

Claim 11 is patentable as it requires extending the pick-up heads through individual holes in the banjo head without the pick-up touching the banjo head. As has been discussed, this is not taught in the prior art. Claim 14 is independently patentable as it requires a button on top of each pick-up head which is large enough to cover the hole in the banjo head through which the pick-up head passes. Clearly, there is no teaching in the prior art of this element.

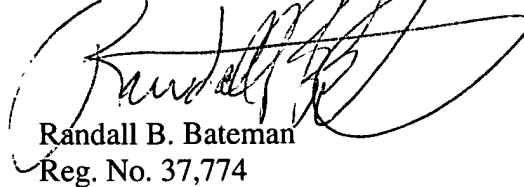
Claim 23 is patentable as it requires that the pick-up heads pass through individual holes in the banjo head without the pick-up touching the banjo head, and requires buttons on the pick-up heads which cover the holes in the banjo head.

Applicant has canceled claims 17-20 and 34-43.

The Commissioner is hereby authorized during the entire pendency of this application to credit any overpayment and debit any amount owing, including fees for extensions of time, to Deposit Account No. 50-2720.

Sincerely,

BATEMAN IP LAW GROUP

A handwritten signature in black ink, appearing to read "Randall B. Bateman", is written over the printed name and registration number.

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